

REMARKS

In an Office Action mailed on June 17, 2004, claims 10, 11 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Watson; and claims 12, 25 and 27-29 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form. Newly added claims 44-51 are patentable over the cited art. The § 102 rejections are addressed below.

The method of independent claim 10 includes halting the flow of fluid in a well: deploying a tool from within the well while the fluid is halted; allowing the tool to freefall in the well while the fluid is halted and resuming the flow to retrieve the tool.

Contrary to the limitations of independent claim 10, Watson discloses a well that includes a tubing string 11 that extends into the well. For purposes of opening a port 31 of a particular tool sub 17 of the string 11, Watson discloses dropping a ball 50 from the surface of the well. This ball 50 descends through the central passageway of the string 11 until the ball closes an opening of an element 25. The closure of this opening, in turn, allows fluid pressure to be applied from the surface of the well and act against the element 25 so that this pressure shears shear pins 32 that secure the element 25 to the wall of the tool sub 17. When the shear pins 32 shear and the element 25 falls, communication is opened through the port 31 between the annulus of the well and the central passageway of the tool sub 17.

In the Office Action, the Examiner labels the ball 50 as the alleged tool of independent claim 10. Assuming for purposes of argument that this labeling is appropriate, Watson still fails to teach resuming a flow to retrieve the ball 50. More specifically, as set forth above, Watson teaches dropping the ball 50 into the well until the ball 50 seats in the element 25. However, there is no discussion in Watson regarding resuming a flow to retrieve the ball 50. Instead, after the ball 50 has performed its function to open the port 31, the ball 50 remains in the position 50' that is depicted in Fig. 2. The only time that the ball 50 is retrieved is when the entire tubular string 11 is retrieved. Regarding this retrieval, Watson states, "after completion of the fracturing of the well, packer 15 is unseated, and the tubing string pulled in a dry condition." Watson, 5:54-56. Thus, not only does Watson fail to teach the resuming of claim 10, Watson teaches the opposite action, i.e., retrieving the string 11 (and thus, the tool 50) uphole without a flow of fluid. Therefore, for at least the reasons that are set forth above, Watson fails to anticipate claim 10.

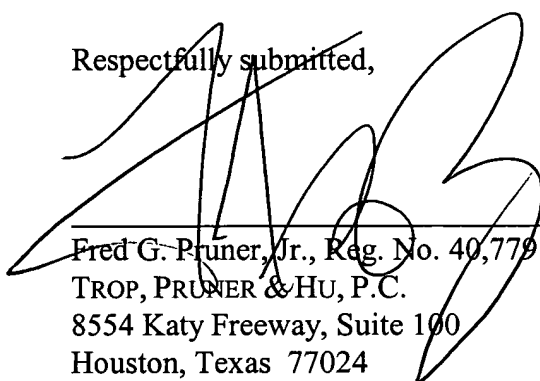
Claims 11 and 26 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 102 rejections of claims 10, 11 and 26 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the § 102 rejections and a favorable action in form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0114US).

Respectfully submitted,

Date: July 12, 2004



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